
UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jared Goyette, Craig Lassig, Katie Nelson,
Tannen Maury, Stephen Maturen, Edward
Ou, Timothy Evans, Chris Tuite, and The
Communications Workers of America,
*On behalf of themselves and other
similarly situated individuals,*

Plaintiffs,

Ct. No. 20-cv-01302 (WMW/DTS)

**STIPULATION TO AMEND
PROTECTIVE ORDER**

v.

City of Minneapolis; Minneapolis Chief of
Police Medaria Arradondo *in his
individual and official capacity*;
Minneapolis Police Lieutenant Robert
Kroll, *in his individual and official
capacity*; Minnesota Department of Public
Safety Commissioner John Harrington, *in
his individual and official capacity*,
Minnesota State Patrol Colonel Matthew
Langer, *in his individual and official
capacity*; Minnesota State Patrol Major
Joseph Dwyer, *in his individual capacity*;
Hennepin County Sheriff David
Hutchinson, *in his individual and official
capacity*; John Does 1-10, *in their
individual and official capacities*;

Defendants.

WHEREAS, on February 26, 2021, this Court entered a Protective Order in
this action (Doc. 92);

WHEREAS, on September 28, 2021, Plaintiffs filed their Third Amended Complaint, which, for the first time in this action, named Hennepin County Sheriff David Hutchinson (“Sheriff Hutchinson”) as a defendant;

WHEREAS, Sheriff Hutchinson answered the Third Amended Complaint;

WHEREAS, Plaintiffs have served discovery requests on Sheriff Hutchinson;

WHEREAS, in responding to these discovery requests and in defending himself in this action, Sheriff Hutchinson may need to disclose data that identifies individuals who are currently serving or have served in the past as undercover law enforcement officers under Minn. Stat. § 13.43, subd. 5 (hereinafter “Undercover Individuals”);

WHEREAS, the parties wish to enable the pre-trial exchange of responsive, non-privileged information while at the same time protecting the identities of the Undercover Individuals;

WHEREAS, the parties agree to meet and confer regarding the continued protection of the Undercover Individuals’ identifying information at trial;

WHEREAS, the parties do not waive the right to seek further amendment of the Protective Order in the future;

THEREFORE, the parties respectfully request that this Court amend the Protective Order (Doc. 92) to include the following language:

“Defendant Hennepin County Sheriff David Hutchinson (“Sheriff Hutchinson”) shall redact data identifying Hennepin County Sheriff’s

Office employees who (1) are currently serving as undercover law enforcement officers or (2) were assigned to undercover officer positions in the past and with respect to whom the Hennepin County Sheriff's Office has determined that revealing the identity of the individual would threaten the personal safety of the individual or jeopardize an active investigation ("Undercover Individuals"). For purposes of this Section, the following data concerning Undercover Individuals shall be deemed identifying: name, nickname, code name, badge number, and images of the Undercover Individual's face. For documents and still photographs, Sheriff Hutchinson will use text overlay over each redaction listing a corresponding pseudonym for the Undercover Individual (i.e., 'Undercover Deputy A' or 'UC A'). The same unique pseudonym shall be used for each Undercover Individual throughout the data produced by Sheriff Hutchinson. For video and audio footage, Sheriff Hutchinson will blur out or otherwise redact the faces of Undercover Individuals; audio of such individuals' names and nicknames will be similarly redacted prior to production. Sheriff Hutchinson will produce a log listing the pseudonyms of all Undercover Individuals redacted in each video or audio file. In addition, upon Plaintiffs' request, Sheriff Hutchinson will identify via pseudonym specific Undercover Individuals with respect to whom audio or video redactions were made in specific portions of audio or video footage identified by Plaintiffs. The parties agree to proceed via use of a pseudonym for the

Undercover Individuals for all pretrial proceedings. The parties further agree that Plaintiffs may notice the deposition of Undercover Individuals by serving a notice of deposition listing the Undercover Individual's unique pseudonym and further agree that any depositions of such individuals shall not be videorecorded and that no photographs of such individuals shall be taken, although Plaintiffs' counsel may take such depositions in person or via audio-visual conferencing with the video feed on the deponent enabled. The parties agree to meet and confer regarding the continued protection of Undercover Individuals' identifying data at trial. The parties do not waive the right to challenge the appropriateness of such redaction or to seek further amendment of the Protective Order."

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Dated: February 7, 2022

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